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54/08/02 Court Refuses To Free Dr. Sheppard From Jail

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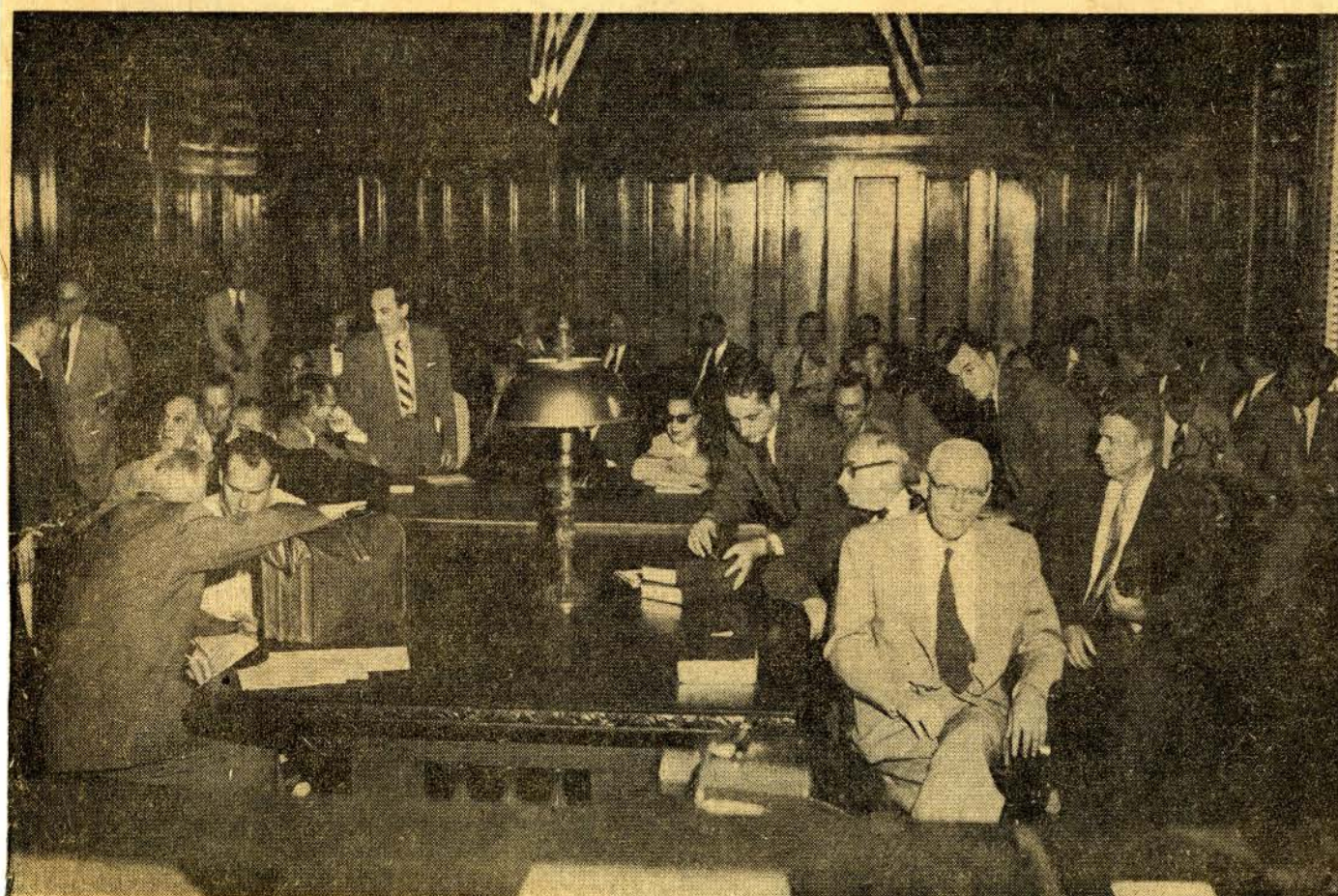
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CLEVELAND, MONDAY, AUGUST 2, 1954

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COURT REFUSES TO FREE DR. SHEPPARD FROM JAIL



TRIAL TABLE shows opposing lawyers as Dr. Samuel Sheppard failed in his bid for freedom today. On left side of table are William J. Corrigan, noted criminal defense lawyer, and Dr. Sheppard. To the right are John J.

Mahon, assistant county prosecutor, with Saul Danaceau and Thomas Parrino of the prosecutor's staff immediately behind. Richard S. Weygandt, Bay Village law director, is to the right.

Corrigan & Client

Whispered conferences between William J. Corrigan and client, Dr. Sam Sheppard, were frequent at today's hearing before Judge Frank J. Merrick.



Whispered parley between Corrigan and Dr. Sam.

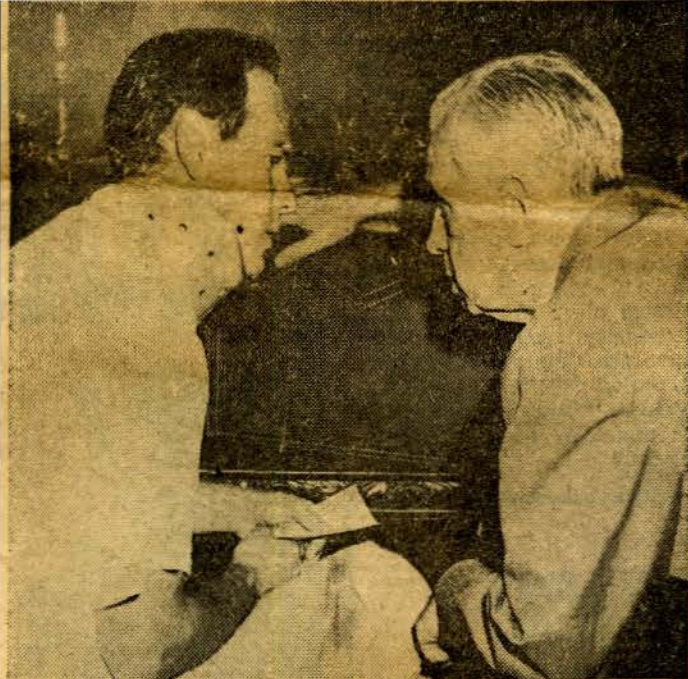
Police Plan to Question Houk Again

BULLETIN

Dr. Samuel H. Sheppard was moved from County Jail to Central Police Station after lunch today. His attorneys will not be permitted to interrupt his interrogation there.

Dr. Samuel H. Sheppard today lost his bid for immediate freedom. He was whisked back from Lakeside Courthouse to the County Jail for continued questioning about the July 4 murder of his pretty wife, Marilyn.

The 30-year-old osteopath, who had smiled occasionally during the brief hearing on a writ of habeas corpus, tautened when Common Pleas Judge Frank J. Merrick denied the application.



Huddle between lawyer and accused doctor continues.



Final advice is handed client by the criminal lawyer.



Joining conference is Attorney Arthur Petersilge.

For background on Cleveland's famed criminal lawyer, see Page 10.

Detective Chief James McArthur disclosed that Bay Village Mayor J. Spencer Houk, who previously "failed" a lie detector test, would be "questioned further" about his testimony at the habeas corpus hearing.

These were today's quick-paced developments in the 29-day-old murder case:

HOUK, CALLED AS A WITNESS, declared under cross-examination by Assistant Prosecutor John J. Mahon that he had seen the battered body of Marilyn Sheppard on the murder bed. This was a departure from his previous testimony that he had waited downstairs while his wife, Esther, went up to the murder bedroom.

DR. SHEPPARD ADMITTED TO DETECTIVES that he had been an unfaithful husband, and had intimacies with Miss Susan Hayes, former Bay View Hospital laboratory technician. He had denied this under oath at the coroner's inquest.

DEFENSE LAWYER W. J. CORRIGAN resumed his County Jail "filibuster" to impede his client's grilling by homicide squad detectives.

CORRIGAN ARGUED that Dr. Sheppard had been "illegally arrested" for the murder of his wife on a warrant issued by Bay Village Council President Gershom M. M. Barber. Barber signed the warrant because Houk, a close personal friend of Dr. Sheppard, disqualified himself.

JUDGE MERRICK CITED A LAW which gives the council president full powers to act as a magistrate at any time.

"I'll see you in a few hours," the white-haired attorney called loudly to Dr. Sheppard as the osteopath, manacled to a deputy sheriff, was led out of the second-floor courtroom in which he lost his bid for freedom.

Although Judge Merrick had announced no "curious spectators" would be permitted, no attempt was made to oust the more than 100 persons—mostly attorneys and court attaches—who filled the room before the doctor was brought in from County Jail.

Dr. Sam's brother, Dr. Richard N., and his father, Dr. Richard A., watched the proceedings from back-row seats.

Before the hearing opened, the older brother pushed up to the counsel table and patted Dr. Sam on the back.

"I just want to let you know that we're in the back

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Court Refuses to Release Dr. Sheppard From Jail

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of the room and here with you, Sam," he said. Corrigan admitted his cause was apparently lost when Merrick cited the section of law which gives a council president the authority to sign an arrest warrant.

"But I must make my record," the attorney insisted. Houk, cross-examined by Mahon over Corrigan's objections, said he was a close friend of the defendant, and told of being summoned by him to the murder home on the morning of July 4.

Q.: You saw Marilyn Sheppard?

A.: Yes.

Q.: How did you find her?

A.: She was horribly beaten about the head.

Q.: Was she dead?

A.: I presume she was.

McArthur said Houk's previous testimony indicated he had not gone upstairs to the murder room. The detective chief said Mrs. Sheppard's body was brought downstairs in a "body bag."

The hearing lasted about an hour.

Dr. Sheppard was brought in by Sheriff Joseph Sweeney and Deputies Carl Rossbach and Dave Yettra.

The murder suspect wore a white sports shirt, blue slacks, and his neck brace.

He claims his neck was injured in a series of struggles with the maniacal killer who murdered his wife—but that claim is disputed by the authorities.

"Now that the court decision has been handed down," McArthur said, "we can go on with the merry-go-round with his attorneys over the questioning."

Police Chief Frank W. Story attended the court session, sitting with Assistant Prosecutors Mahon, Saul Danaceau and Thomas Parrino and Bay Village Law Director Richard S. Weygandt.

Immediately after the hearing, Story and McArthur conferred with Sweeney at the County Jail in an effort to bar further interruption of the grilling by the defense attorneys.

One of the few admissions made by Dr. Sam during a week end of quizzing, frequently interrupted by Corrigan's

detectives, whose questioning of him was frequently interrupted by jail visits of his attorneys.

"Corrigan seems to be running the County Jail," complained Homicide Capt. David Kerr. "But we'll keep on with our questioning as long as necessary."

Dr. Sam was interviewed for hours during the week end by teams of detectives working in relays, when they weren't cooling their heels in the corridor, waiting for attorneys to conclude a private conference.

The man charged with murdering his wife was perfectly willing to discuss his outstanding academic record as an osteopathic medical student in Los Angeles, and difficult operations he had performed, but parried questions about the slaying with: "On advice of counsel, I will not discuss this with you."

Moved at Jail

He said he didn't remember whether or not he was wearing shoes on the murder morning.

He seemed nervous and disturbed when asked to explain the lack of any physical evidence of anyone other than himself, his wife and their sleeping son, Sam (Chip) Jr. having been in the house of tragedy at the moment of murder. But he wouldn't discuss it "on advice of my counsel."

During the brief moments when he wasn't being interrogated or chatting with his attorneys, Dr. Sheppard read newspapers and thumbed through two books which were brought to him.

Sheriff Joseph Sweeney said "Dr. Sheppard has refused to

be interviewed by reporters, but wants to see his attorneys all the time."

The doctor was transferred from the private cell in which he was lodged on his arrival at the jail into a regular cell-block. He remained under constant surveillance.

Sleeps Well

Jailers said he "slept well" and consumed all the food placed before him.

Although his week-end interrogation was cut short because a deputy sheriff said "the man has to have some sleep," Sweeney said the police could "talk to him as much as they like" later.

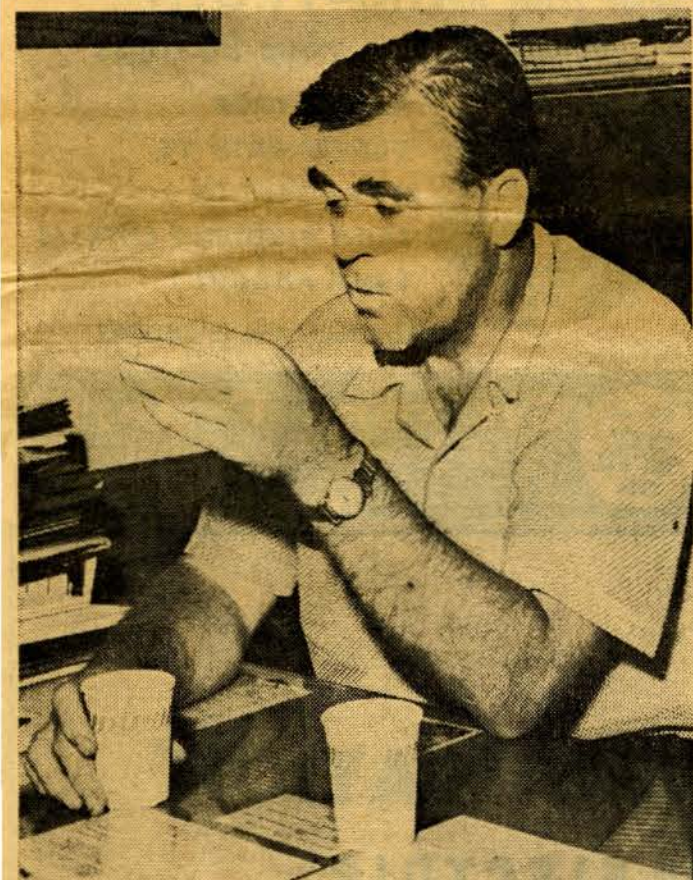
Chief Story said there would be no around the clock interrogation.

"We are meticulously observing Dr. Sheppard's legal rights," he said. "Third degree methods are not permitted in this country. A conviction which resulted from such methods might be reversed by the Supreme Court."

"Any justice of the peace can sign another warrant for his arrest," Mahon said, "and Myron Penty is just across the street."

Police are checking a report that, during the early period of their marriage in Los Angeles, Marilyn was beaten so badly by Dr. Sam that she required medical treatment.

McArthur said two theories advanced by Corrigan which would "clear Dr. Sheppard" had been thoroughly investigated. "They're red herrings," he said. "Both possible suspects named could not have committed the crime."



TOO BUSY TO SHAVE, Capt. David Kerr, chief of the homicide squad, catches a cup of coffee on the run while studying reports of his teams of detectives who have been grilling Dr. Sam in relays.